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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 MELISSA MARIE MCINTOSH, et al.,

11 Plaintiff(s),

12 v.

13 CLARK COUNTY SCHOOL DISTRICT, et al.,

14 Defendant(s).  
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Case No. 2:17-cv-00490-JAD-NJK

ORDER

(Docket No. 19)

16 Pending before the Court is a stipulation to extend the stay of discovery that was previously  
17 entered pending resolution of Defendants' motion to dismiss, Docket No. 19, which is **DENIED**. As  
18 an initial matter, at least one claim in this case will proceed based on the order already issued by United  
19 States District Judge Jennifer A. Dorsey, denying in part the motion to dismiss. Docket No. 18 at 4  
20 (holding that common law negligence claim was sufficiently pled). Accordingly, a stay of all discovery  
21 is not appropriate at this point. *Cf. Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011)  
22 (a stay pending resolution of a motion is appropriate only if the motion is "potentially dispositive of the  
23 entire case or at least dispositive on the issue on which discovery is sought"). Moreover, there is no  
24 pending motion to dismiss and Defendants acknowledge that they may file an answer, instead. Docket  
25 No. 19 at 2. It is premature to seek a stay of discovery pending resolution of a motion that has not been  
26 (and may never be) filed.

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Accordingly, the stipulation to extend the stay of discovery is **DENIED**. The deadline to file a joint proposed discovery plan expired on September 25, 2017. The parties are **ORDERED** to file a joint propose discovery plan by September 29, 2017.

IT IS SO ORDERED.

DATED: September 26, 2017

Nancy J. Koppe  
United States Magistrate Judge